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(4) The plan shall include the following information:

(i) The pressure in the injection zone before injection began;

(ii) The anticipated pressure in the injection zone at the time of closure;

(iii) The predicted time until pressure in the injection zone decays to the point that the well's cone of influence no longer intersects the base of the lowermost USDW;

(iv) Predicted position of the waste front at closure;

(v) The status of any cleanups required under § 146.64; and

(vi) The estimated cost of proposed post-closure care.

(5) At the request of the owner or operator, or on his own initiative, the Director may modify the post-closure plan after submission of the closure report following the procedures in § 124.5.

(b) The owner or operator shall:

(1) Continue and complete any clean-up action required under § 146.64, if applicable;

(2) Continue to conduct any groundwater monitoring required under the permit until pressure in the injection zone decays to the point that the well's cone of influence no longer intersects the base of the lowermost USDW. The Director may extend the period of post-closure monitoring if he determines that the well may endanger a USDW.

(3) Submit a survey plat to the local zoning authority designated by the Director. The plat shall indicate the location of the well relative to permanently surveyed benchmarks. A copy of the plat shall be submitted to the Regional Administrator of the appropriate EPA Regional Office.

(4) Provide appropriate notification and information to such State and local authorities as have cognizance over drilling activities to enable such State and local authorities to impose appropriate conditions on subsequent drilling activities that may penetrate the well's confining or injection zone.

(5) Retain, for a period of three years following well closure, records reflecting the nature, composition and volume of all injected fluids. The Director shall require the owner or operator to deliver the records to the Director at the conclusion of the retention period, and the records shall thereafter be re-

tained at a location designated by the Director for that purpose.

(c) Each owner of a Class I hazardous waste injection well, and the owner of the surface or subsurface property on or in which a Class I hazardous waste injection well is located, must record a notation on the deed to the facility property or on some other instrument which is normally examined during title search that will in perpetuity provide any potential purchaser of the property the following information:

(1) The fact that land has been used to manage hazardous waste;

(2) The name of the State agency or local authority with which the plat was filed, as well as the address of the Regional Environmental Protection Agency Office to which it was submitted;

(3) The type and volume of waste injected, the injection interval or intervals into which it was injected, and the period over which injection occurred.

§ 146.73 Financial responsibility for post-closure care.

The owner or operator shall demonstrate and maintain financial responsibility for post-closure by using a trust fund, surety bond, letter of credit, financial test, insurance or corporate guarantee that meets the specifications for the mechanisms and instruments revised as appropriate to cover closure and post-closure care in 40 CFR part 144, subpart F. The amount of the funds available shall be no less than the amount identified in § 146.72(a)(4)(vi). The obligation to maintain financial responsibility for post-closure care survives the termination of a permit or the cessation of injection. The requirement to maintain financial responsibility is enforceable regardless of whether the requirement is a condition of the permit.

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AUTHORITY: 42 U.S.C. 300h; and 42 U.S.C. 6901 *et seq.*

SOURCE: 49 FR 20197, May 11, 1984, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 147 appear at 69 FR 18803, Apr. 9, 2004.

Subpart A—General Provisions

§ 147.1 Purpose and scope.

(a) This part sets forth the applicable Underground Injection Control (UIC) programs for each of the states, territories, and possessions identified pursuant to the Safe Drinking Water Act (SDWA) as needing a UIC program.

(b) The applicable UIC program for a State is either a State-administered program approved by EPA, or a federally-administered program promulgated by EPA. In some cases, the UIC program may consist of a State-administered program applicable to some classes of wells and a federally-administered program applicable to other classes of wells. Approval of a State program is based upon a determination by the Administrator that the program meets the requirements of section 1422 or section 1425 of the Safe Drinking Water Act and the applicable provisions of parts 124, 144, and 146 of this chapter. A federally-administered program is promulgated in those instances where the state has failed to submit a program for approval or where the submitted program does not meet the minimum statutory and regulatory requirements.

(c) In the case of State programs approved by EPA pursuant to section 1422 of the SDWA, each State subpart describes the major elements of such programs, including State statutes and regulations, Statement of Legal Authority, Memorandum of Agreement, and Program Description. State statutes and regulations that contain standards, requirements, and procedures applicable to owners or operators have been incorporated by reference

pursuant to regulations of the Office of the Federal Register. Material incorporated by reference is available for inspection in the appropriate EPA Regional Office, in EPA Headquarters, and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. Other State statutes and regulations containing standards and procedures that constitute elements of the State program but do not apply directly to owners or operators have been listed but have not been incorporated by reference.

(d) In the case of State programs promulgated under section 1422 that are to be administered by EPA, the State subpart makes applicable the provisions of parts 124, 144, and 146, and provides additional requirements pertinent to the specific State program.

(e) Regulatory provisions incorporated by reference (in the case of approved State programs) or promulgated by EPA (in the case of EPA-administered programs), and all permit conditions or permit denials issued pursuant to such regulations, are enforceable by the Administrator pursuant to section 1423 of the SDWA.

(f) The information requirements located in the following sections have been cleared by the Office of Management and Budget: Sections 147.104, 147.304, 147.754, 147.904, 147.1154, 147.1354, 147.1454, 147.1654, 147.1954, and 147.2154.

The OMB clearance number is No. 2040-0042.

§ 147.2 Severability of provisions.

The provisions in this part and the various applications thereof are distinct and severable. If any provision of this part or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of such provision to other persons or circumstances which can be given effect without the invalid provision or application.

Subpart B—Alabama

§ 147.50 State-administered program—Class II wells.

The UIC program for Class II wells in the State of Alabama, except those on Indian lands, is the program administered by the State Oil and Gas Board of Alabama, approved by EPA pursuant to section 1425 of the SDWA. Notice of this approval was published in the FEDERAL REGISTER on August 2, 1982 (47 FR 33268); the effective date of this program is August 2, 1982. This program consists of the following elements, as submitted to EPA in the State's program application:

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Alabama. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Code of Alabama Sections 9-17-1 through 9-17-109 (Cumm. Supp. 1989);

(2) State Oil and Gas Board of Alabama Administrative Code, Oil and Gas Report 1 (supplemented through May 1989), Rules and Regulations Governing the Conservation of Oil and Gas in Alabama, and Oil and Gas Statutes of Alabama with Oil and Gas Board Forms, § 400-1-2 and § 400-1-5-.04.

(b) The Memorandum of Agreement between EPA Region IV and the Alabama Oil and Gas Board, signed by the EPA Regional Administrator on June 15, 1982.

(c) *Statement of legal authority.* "State Oil and Gas Board has Authority to Carry Out Underground Injection Control Program Relating to Class II Wells as Described in Federal Safe Drinking Water Act—Opinion by Assistant Attorney General," May 28, 1982.

(d) The Program Description and any other materials submitted as part of the application or as supplements thereto.

[49 FR 20197, May 11, 1984, as amended at 53 FR 43086, Oct. 25, 1988; 56 FR 9411, Mar. 6, 1991]